IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 378 OF 2006

Hemant Bhiku Sawant
and anr. ....Applicants.

V/s

The State of Maharashtra ...Respondent.

Shri Shirish Gupte, Sr. advocate i/b Rajeev Sawant & Associates for the applicants.

Ms. S.V. Gajre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 3rd February, 2006

P.C.:

1. Heard the learned Counsel for the applicants and

the learned APP for the State.

2. The applicants are working in the Bank and had never come to the adverse notice of the police at any time in the past. The prosecution case is that the complainant had accounts in various banks and was an elderly lady and, therefore, had engaged services of her employee who used to deposit cheques which she received in her various Bank Accounts all over the City. Due to the old age of the employee, new employees were engaged by the complainant. It is

alleged that these employees deposited the cheques which were received in the name of the complainant by opening an account in the Bank where applicants are working and withdrew the amount. The applicants are arrested. It is alleged that they have been negligent and have not detected the fraud which have been perpetuated by other co-accused.

3. The prosecution is relying on the statement of the main accused who alleged that the present applicants were part of the conspiracy. The investigation is in progress. The applicants are in jail since 4/1/2006. Since the case pertains to documentary evidence, further custody of the applicants, in my view, is not necessary. The applicants, under the circumstances, be released on bail in the sum of Rs 10,000/- each with one or two sureties in the like amount each. The Applicants to report to the concerned Police Station once in a month and shall cooperate with the Police and shall attend the Police Station till the filing of the charge-sheet as and when they are called.

V.M. KANADE, J.